

LANCE R. LEFLEUR
DIRECTOR



KAY IVEY
GOVERNOR

Alabama Department of Environmental Management
adem.alabama.gov

1400 Coliseum Blvd. 36110-2400 ■ Post Office Box 301463
Montgomery, Alabama 36130-1463
(334) 271-7700 ■ FAX (334) 271-7950

March 28, 2018

Ms. Lilian S. Dorka, Director
EPA External Civil Rights Compliance Office
1200 Pennsylvania Avenue, NW
Washington, D.C. 20460-1000

Dear Ms. Dorka:

Please advise the Alabama Department of Environmental Management (ADEM) on the current status of the investigation of the Title VI complaint against ADEM regarding its renewal of the permit for Stone's Throw landfill in Tallassee, Alabama, which the EPA External Civil Rights Compliance Office (ECRCO) has designated as EPA File No. 16R-17-R4.

The administrative complaint was filed with ECRCO by the complainants on April 28, 2017. Coincidentally, that was the very same day ECRCO closed the Title VI complaint against ADEM for a prior renewal of the permit for the same Stone's Throw landfill in Tallassee, Alabama under EPA File No. 06R-3-R4, which had been under investigation for 14 years. The allegations in the new complaint are the same ones previously investigated, found wanting, and concluded.

ECRCO notified ADEM on May 18, 2017 that the new complaint had been accepted for investigation. On June 22, 2017 ADEM provided a response to ECRCO stating that the new complaint was due to be dismissed since the ECRCO investigation of 06R-3-R4 had been closed the same date the new complaint was filed, and there were no allegations that had not previously been investigated and concluded.

Additionally, complainants' allegations were addressed in an ECRCO compliance review of ADEM concluded on March 1, 2018 [see EPA File No. 13R-16-R4] which further supports the administrative closure of the complaint [see Section 3.4 of EPA Case Resolution Manual dated 1/11/17].

Despite the obvious and compelling rationale for closing the new complaint without delay, ECRCO has not acted.

40 C.F.R. § 7.115 (c)(1) [as directed to in § 7.120 (d)(2)] calls for ECRCO to notify the recipient of any findings and recommendations within 180 days from the start of the investigation. The 180 day period ended on November 14, 2017. As of the date of this letter, ECRCO has not requested any information from ADEM or notified ADEM of any findings on EPA File No. 16R-17-R4. In fact,

Birmingham Branch
110 Vulcan Road
Birmingham, AL 35209-4702
(205) 942-6168
(205) 941-1603 (FAX)

Decatur Branch
2715 Sandlin Road, S.W.
Decatur, AL 35603-1333
(256) 353-1713
(256) 340-9359 (FAX)



Mobile Branch
2204 Perimeter Road
Mobile, AL 36615-1131
(251) 450-3400
(251) 479-2593 (FAX)

Mobile-Coastal
3664 Dauphin Street, Suite B
Mobile, AL 36608
(251) 304-1176
(251) 304-1189 (FAX)

Lilian Dorka
3/28/2018
Page 2 of 2

ECRCO has not contacted ADEM regarding 16R-17-R4 since the May 18, 2017 notice of acceptance of the complaint for investigation.

Again, please inform ADEM of the status of ECRCO's investigation of EPA File No. 16R-17-R4. We request that this matter be resolved in a timely manner.

Sincerely

A handwritten signature in black ink, appearing to read "Lance R. LeFleur".

Lance R. LeFleur
Director

LRL/lc

CC: Matt Leopold, EPA General Counsel
Trey Glenn, EPA Region 4 Administrator